



PATENT
Customer No. 22,852
Attorney Docket No. 05552.1452

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-----------------------------|---|---------------------------|
| In re Application of: |) | |
| |) | |
| Harald ALTHAUS |) | Group Art Unit: 1644 |
| |) | |
| Serial No.: 10/612,162 |) | Examiner: Phuong N. Huynh |
| |) | |
| Filed: July 3, 2003 |) | Confirmation No. 4536 |
| |) | |
| For: CARBOHYDRATE DEFICIENT |) | |
| TRANSFERRIN (CDT)-SPECIFIC |) | |
| ANTIBODIES, THEIR |) | |
| PREPARATION AND USE |) | |

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE TO RESTRICTION REQUIREMENT

In a restriction requirement dated August 10, 2005, the Examiner required
restriction under 35 U.S.C. § 121 between the following groups:

Group 1: Claims 1-12 and 14, drawn to an antibody that binds selectively to
carbohydrate deficient transferrin, antigen binding fragment thereof,
a process of making said antibody and a kit comprising said
antibody.

Group 2: Claim 13, drawn to an immunoassay for detecting carbohydrate
deficient transferrin.

See Office Action at page 2. Applicant provisionally elects to prosecute Group I, claims
1-12 and 14, drawn to an antibody that binds selectively to carbohydrate deficient

transferrin, antigen binding fragment thereof, a process of making said antibody and a kit comprising said antibody, with traverse.

Section 803 of the M.P.E.P. states that "[i]f the search and examination of the entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions."

(M.P.E.P. § 803, emphasis added.) Applicant respectfully submits that this policy should apply to this application in order to avoid unnecessary delay and duplicative examination.

Applicant submits that this search can be made without undue burden because a literature search for these groups would be largely coextensive. A thorough search for antibodies that bind selectively to carbohydrate deficient transferrin, should also involve a search for the use of these antibodies for carrying out an immunoassay. Applicant also notes that Groups I and II involve subject matter that has been given the same classification number (class 435). Accordingly, Applicant respectfully requests the restriction to be withdrawn.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 6, 2005

By: Amy E. Purcell
Amy E. Purcell
Reg. No. 53,492